

DISTRICT OF OREGON, ss:

AFFIDAVIT OF CALEB MICHAUD

Affidavit in Support of a Criminal Complaint and Arrest Warrant

I, Caleb Michaud, being duly sworn, do hereby depose and state as follows:

Introduction and Agent Background

1. I am a Special Agent (SA) with Homeland Security Investigations (HSI) and have been since December 2020. My current assignment is HSI Medford, Oregon, where I am tasked with supporting Medford Area Drug and Gang Enforcement (MADGE). My training and experience include the Criminal Investigator Training Program and the Homeland Security Investigations Special Agent Training Program located at the Federal Law Enforcement Training Center (FLETC) in Glynco, Georgia. I am a law enforcement officer of the United States within the meaning of Section 2510(7) of Title 18, United States Code, and I am authorized by law to conduct investigations and to make arrests for felony offenses. Prior to becoming a SA with HSI, I served in the United States Army as an active-duty combat engineer for over ten years.

2. I submit this affidavit in support of a criminal complaint and arrest warrant for Teofil Adrian SOMESAN (hereinafter "SOMESAN") for Illegal Possession of Device-Making Equipment, in violation of Title 18, United States Code, Section 1029 and Bank Fraud, in violation of Title 18, United States Code, Section 1344. As set forth below, there is probable cause to believe, and I do believe, that SOMESAN committed Illegal Possession of Device-Making Equipment, in violation of 18 U.S.C. § 1029, and Bank Fraud, in violation of 18 U.S.C. § 1344.

Applicable Law

3. Title 18, United States Code, Section 1029(a)(4) – Illegal Possession of Device-Making Equipment: “Whoever knowingly, and with intent to defraud, produces, traffics in, has control or custody of, or possesses device making equipment¹.”

4. Title 18, United States Code, Section 1344 – Bank Fraud: “Whoever knowingly executes, or attempts to execute, a scheme or artifice² (1) to defraud a financial institution; or (2) to obtain any of the moneys, funds, credits, assets, securities, or other property owned by, or under the custody or control of, a financial institution, by means of false or fraudulent pretenses, representations, or promises.”

Statement of Probable Cause

Seaside, Oregon Investigation

5. On June 23, 2023, Seaside Police Department (SPD) received a report of Automated Teller Machine (ATM) tampering. The report originated from TLC Bank and concerned an ATM located in Seaside, Oregon (“Seaside ATM”). According to TLC Bank, an unknown individual tampered with the ATM for about 13 minutes and left file marks inside the ATM. SPD obtained video and still images of the suspect and initiated an investigation.

6. On June 25, 2023, an ATM skimming device was found in a Seaside TLC Bank ATM by Cook Solutions Security and seized as evidence. An SPD Officer responded and met

¹ The term “device-making equipment” means any equipment, mechanism, or impression designed or primarily used for making an access device or a counterfeit access device. 18 U.S.C. § 1029(e)(6). The term “counterfeit access device” includes counterfeit, fictitious, altered, or forged cards, codes, or account numbers. *See* 18 U.S.C. § 1029(e)(1)-(2).

² The term “scheme or artifice to defraud” includes a scheme or artifice to deprive another of the intangible right of honest services. 18 U.S.C. § 1346.

with the Cook Solutions Security officer and seized the device. Below is a photo of the seized skimming device and the individual, later identified as Teofil Adrian SOMESAN (hereinafter “SOMESAN”), inserting a skimming device into the Seaside ATM. Based on my training and experience, individuals installing skimming devices may return to an ATM on multiple occasions to conduct the skimming operation, including widening openings in an ATM, installing/removing the “skimming” device, and installing/removing a camera.



7. Based on my training and experience, a skimming device is a card reader that can be disguised to look like part of an ATM or to be inserted within an ATM. A skimming device collects card numbers and a separately installed camera records PIN numbers. The information obtained from the skimming device and camera are used to manufacture counterfeit cards. The counterfeit cards are then used to withdraw cash from ATMs from innocent financial institutions and customers. Finally, I know from training and experience that criminals use gift cards or “debit-type cards” to create a fraudulent card using stolen ATM card numbers. Based on my training and experience, I believe SOMESAN was attempting to execute the above-described material scheme or artifice to defraud a financial institution or to obtain money owned or under the custody or control of a financial institution by means of false or fraudulent pretenses, representations, or promises.

8. On June 26, 2023, at approximately 1957 hours, Cook Solutions Security notified SPD that the unknown individual was currently at the Seaside ATM. Cook Solutions Security described the individual as a male with a beige hoody, baseball cap, and a beard. Cook Solutions Security further notified SPD that the individual was driving a black Toyota with an Oregon license plate. An SPD officer responded to the area and contacted the individual in the black Toyota. The SPD officer arrested the unknown individual and advised the individual of his Miranda rights. The SPD officer identified the individual as Teofil Adrian SOMESAN by his Washington State Driver’s License. SOMESAN was found to be in possession various items, including: a wallet containing multiple bank cards and a Washington State Driver’s License, a blue iPhone with charger, Volkswagen keys, a metal plate tool, a flathead screwdriver, and a “Vanilla” gift card. Based on my training and experience, I know a flathead screwdriver is used

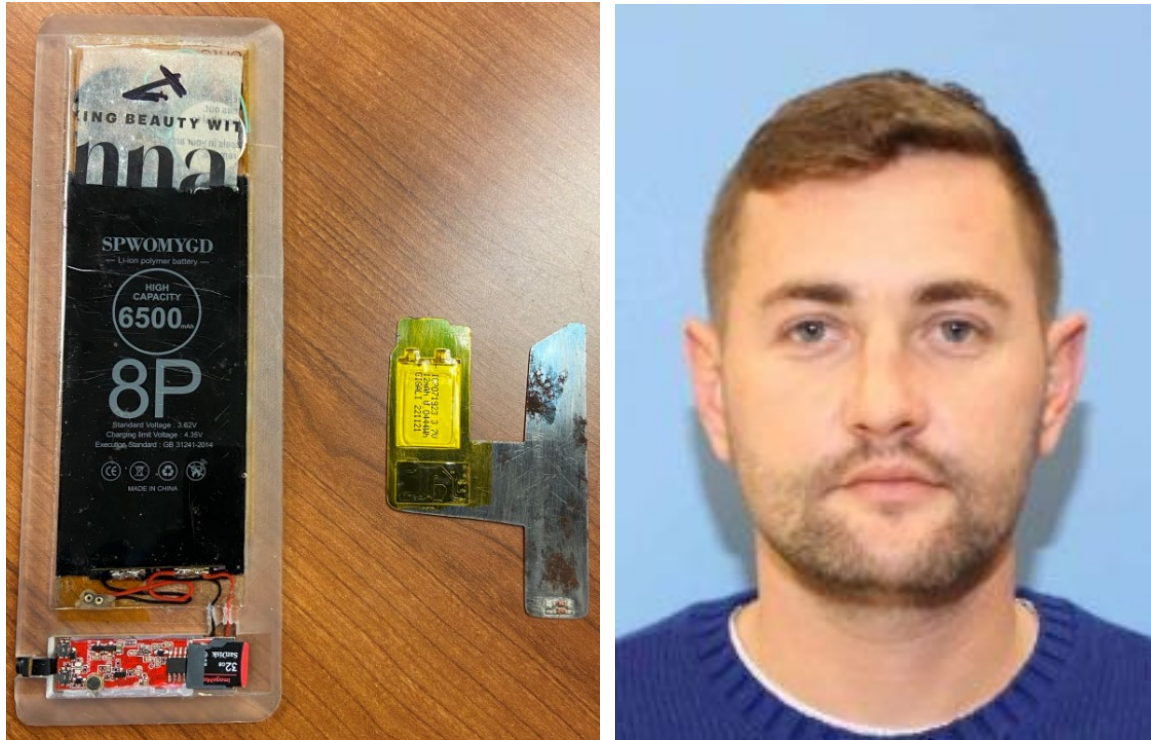
to widen the opening of an ATM card reader. I also know, based on my training and experience, that a flathead screwdriver is used to pry open the upper portion of the ATM to facilitate the insertion of a hidden camera for view of the PIN keypad. Furthermore, I know from my training and experience that a metal plate tool is used to assist the insertion of an ATM skimmer deep within the card reader cavity of the ATM.

Newport Investigation

9. On June 26, 2023, Newport Police Department (NPD) received a report of an ATM Skimming device found at a TLC Bank located in Newport, Oregon. NPD responded to the ATM location and seized one ATM skimming device, and one micro-camera device. Based on my training and experience, an ATM skimming device logs card numbers, while a hidden camera records customers as their hands type secret personal identification numbers into an ATM keypad. NPD further obtained surveillance camera footage from TLC Bank and observed that SOMESAN placed the devices in the ATM on June 23, 2023.



LEFT-Picture of SOMESAN holding the screwdriver seized in Seaside. Based on my training and experience and review of the video, SOMESAN is likely using the screwdriver to widen the opening of the ATM so both the skimmer and a debit card can fit. **RIGHT**-Based on my training and experience, the item is a camera, battery-pack, and a device to store video that was installed in the ATM.



LEFT- Skimming device and camera that were recovered from the Newport ATM. **RIGHT-** Passport Photo of SOMESAN.

Lincoln City Investigation

10. On June 26, 2023, Lincoln City Police Department (LCPD) received a report of an ATM Skimming device found at a TLC Bank located in Lincoln City, Oregon. LCPD responded to TLC Bank and seized one ATM skimming device, and one micro-camera device. LCPD additionally obtained surveillance camera footage from TLC Bank and observed that SOMESAN placed the devices in the ATM on June 22, 2023.



14. I contacted Cook Solutions Security regarding this investigation and learned that Fibre Federal Credit Union is the owner of TLC Bank. Each of the three Oregon investigations regarding SOMESAN are related to TLC Bank locations. Cook Solutions Security informed me that Fibre Federal Credit Union, including TLC Bank, have a much higher withdrawal limit than traditional banks. Cook Solutions Security told me an individual can often withdraw several thousand dollars from TLC Bank in one ATM transaction. Therefore, I believe SOMESAN specifically targeted TLC Bank locations located along the Oregon coast to commit Bank Fraud in violation of 18 U.S.C. § 1344. Based on my training and experience, I believe First Interstate Bank and Fibre Federal Credit Union are financial institution as defined by 18 U.S.C. § 20.

15. I have communicated with experts regarding ATM skimmer devices, and learned that ATM skimmer parts are imported from China before being assembled by a mechanic in the United States. I obtained the evidence items seized in Newport, Oregon and found that the majority of parts used to assemble the ATM skimmer device and camera are made in China.

16. Because of the installation of these ATM skimming devices and tampering with the ATMs, the subject ATMs had to be shut down for a period of time preventing their use.

Conclusion

17. Based on the foregoing, I have probable cause to believe, and I do believe, that SOMESAN committed Illegal Possession of Device-Making Equipment, in violation of 18 U.S.C. § 1029(a)(4), and Bank Fraud, in violation of 18 U.S.C. § 1344. I therefore request that the Court issue a criminal complaint and arrest warrant for Teofil Adrian SOMESAN.

18. Prior to being submitted to the Court, this affidavit, the accompanying complaint, and the arrest warrant were reviewed by Assistant United States Attorney (AUSA) Marco A. Boccato and AUSA Boccato advised me that in his opinion the affidavit and complaint are legally and factually sufficient to establish probable cause to support the issuance of the requested criminal complaint and arrest warrants.

S/Caleb Michaud

Caleb Michaud
Special Agent, HSI Medford

Sworn in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone at 4:15
a.m./p.m. on 2/26/23.

HONORABLE MARK D. CLARKE
United States Magistrate Judge